



**ZONING BOARD OF APPEALS  
TOWN OF MONTAGUE  
1 AVENUE A  
TURNERS FALLS, MA 01376**

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Nicole Nemec  
28 Taylor Heights  
Montague, MA 01351

**Case No.:** #24-02

**Date:** May 15, 2024

**Premises Affected:**

28 Taylor Heights  
Montague, MA 01351  
Assessors' Map, 48 Lot 0103, Map 48 Lot 0104  
Franklin County Registry of Deeds: Book 07813 Page 69, Book 8138 Page 21

Variance (X)  
Special Permit ( )  
Site Plan Review ( )

The hearing on this Special Permit was opened on June 5, 2024 and closed on July 17, 2024.

**THE BOARD OF APPEALS VOTED:**

The Montague Zoning Board of Appeals granted a Variance to allow a frontage and area reduction for the purpose of the modification/alteration of property lines of two (2) pre-existing, non-conforming lots, due to hardships created from soil conditions, topography, and lot shape under Sections 3.2.6 and 5.5.1 of the Zoning Bylaw, and M.G.L. Chapter 40A, Section 10, located at **28 Taylor Heights Rd (Parcels #48-0-0104 and #48-0-0103), in the Agricultural- Forest 2 (AF2) District. Business (CB) Zoning District**, with the following findings:

1. The variance will not be substantially detrimental to the public good.
2. The variance will not substantially derogate from the intent or purpose of the zoning bylaws.
3. That reshaping the lot in this manner conforms with the abutting neighboring lots.
4. Buildable status of Lot #48-0-0103 affirmed.

**Stipulations:**

1. The lot frontage for parcels #48-0-0103 and #48-0-0104 shall not be less than 100 feet.
2. The lot area for parcel #48-0-0103 shall not be less than .83 acres or 36,154.8 square feet.
3. The lot area for parcel #48-0-0104 shall not be less than 1.18 acres or 51,400.8 square feet.

**The vote of the Zoning Board of Appeals was as follows:**

Joshua Lively, Chair - YES  
Richard Ruth - YES

William Doyle IV, Vice Chair – YES  
David Jensen – YES

The Zoning Board of Appeals hereby certifies that a copy of this decision and all plans referred to in this decision have been filed with the Town Clerk on: **August 8, 2024.**

An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved pursuant to MGL chapter 40A, section 17 as amended within twenty (20) days after the date of filing **(August 28, 2024)** of a notice of decision in the Office of the Town Clerk. Notice of the appeal and a copy of the complaint shall be given to the Town Clerk within the twenty-day appeal period.

Board of Appeals:

By \_\_\_\_\_  
Joshua Lively, Chairman  
\_\_\_\_\_  
Jamie Carey  
Zoning Board of Appeals Clerk

cc: Applicant, Property Owner, Abutters, Public hearing attendees requesting notification, Planning Board  
abutting Towns - Gill, Erving, Wendell, Leverett, Sunderland, Greenfield

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**Certificate of No Appeal**

[This section is filled out by the Montague Town Clerk]

Received for filing by Town Clerk: \_\_\_\_\_  
Time Date  
Twenty-day appeal period ends: \_\_\_\_\_  
Time Date

I HEREBY CERTIFY THAT NO APPEAL HAS BEEN FILED WITHIN 20 DAYS FROM THE  
DATE THAT THIS DECISION WAS FILED WITH THE TOWN CLERK:

\_\_\_\_\_  
Montague Town Clerk Date

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